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IN THE UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF OHIO EASTERN DIVISION OS AUG 19 PM 5: 44

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UNITED STATES OF AMERICA

: CASE NO. 1:08CR215

Plaintiff

-VS-

**TONY RANDALL** 

ORDER ACCEPTING PLEA

Defendant: AGREEMENT AND JUDGMENT AND

: NOTICE OF HEARING

UNITED STATES DISTRICT JUDGE LESLEY WELLS

This case is before the Court on a Report and Recommendation filed by United States Magistrate Judge Kenneth S. McHargh regarding the change of plea hearing and plea agreement of Tony Randall which was referred to the Magistrate Judge with the consent of the parties.

On 6 May 2008, the government filed a three-count indictment against Tony Randall for theft of U.S. Postal Services property in violation of 18 U.S.C. § 1707. On 30 May 2008, a hearing was held in which Tony Randall entered a plea of not guilty before Magistrate Judge Kenneth S. McHargh. On 24 July 2008, Magistrate Judge McHargh received Tony Randall's plea of guilty and issued a Report and Recommendation ("R&R") concerning whether the plea should be accepted and a finding of guilty entered.

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Neither party submitted objections to the Magistrate Judge's R&R in the ten days after it was issued.

On de novo review of the record, the Magistrate Judge's R&R is adopted. Tony Randall is found to be competent to enter a plea. He understands his constitutional rights. He is aware of the charges and of the consequences of entering a plea. There is an adequate factual basis for the plea. The Court finds the plea was entered knowingly, intelligently, and voluntarily. The plea agreement is approved.

Therefore, Tony Randall is adjudged guilty of Count Two in violation of 18 U.S.C. § 1707.

Sentencing will be:

2 October 2008 at 9:30 a.m.

Courtroom 19-A 19th Floor, United States District Court 801 West Superior Avenue Cleveland, Ohio 44113

IT IS SO ORDERED.

Dated:

UNITED STATES DISTRICT JUDGE